

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG

JAMES EDWARD FOX,

Petitioner,

v.

CIVIL ACTION NO. 3:03CV81  
CRIMINAL ACTION NO. 3:02CR32  
(BROADWATER)

UNITED STATES OF AMERICA,

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, dated March 3, 2005. On April 1, 2005, this Court entered an Order providing petitioner an extension of time until April 25, 2005 to file his objections to the Magistrate Judge's Report. However, to date, the petitioner still has not filed objections to the Report. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted.

The Court further **ORDERS** that the petition of the petitioner be **DENIED** and **DISMISSED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Report and Recommendation. It is further **ORDERED** that this action be and is hereby **STRICKEN** from the active docket of this Court.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

DATED this 3<sup>d</sup> day of May 2005.

  
W. CRAIG BROADWATER  
UNITED STATES DISTRICT JUDGE